

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CRIMINAL DOCKET NO.: 5:10CR11-V**

UNITED STATES OF AMERICA,)
)
)
vs.) **O R D E R**
)
)
ROBBIE HOWELL,)
Defendant.)
)

THIS MATTER is before the Court on Defendant's Motion to Sever Counts for Trial and for Permission to File *Ex Parte* Proffer, filed June 25, 2010. (Document #16) Within the same motion, Defendant moves for a continuance of his trial date.¹

For the reasons set forth in Defendant's motion, the Court will permit Defendant Howell to submit an evidentiary proffer to the Court *ex parte* prior to deciding the motion. In addition, while the Court will defer ruling on Defendant's request for continuance, the Court is not inclined to continue this matter altogether. In other words, should Defendant persuade the Court that severance of the offenses is warranted, it would be the Court's intention: 1) to proceed with separate trials during this trial term and select two different juries on July 7, 2010 for that purpose; or 2) to proceed to trial on at least one of the groups of offenses during this trial term. After reviewing Defendant's proffer and hearing from counsel, the Court will decide whether continuance of the trial is appropriate.

¹ The trial term begins Tuesday, July 6, 2010, with jury selection scheduled to occur on Wednesday, July 7, 2010, and presentation of evidence to begin August 3, 2010.

IT IS, THEREFORE, ORDERED THAT:

1) Defendant's Motion for Permission to File *Ex Parte* Proffer is **GRANTED**.

Defendant's proffer should be filed on or before **Friday, July 2, 2010 at 12 noon**.

2) The Government shall submit a written response to the Defendant's Motion to Sever Offenses by **Friday, July 2, 2010 at 12 noon**; and

3) The Court will defer ruling on Defendant's Motions to Sever Offenses and to Continue Trial.

Signed: June 30, 2010



Richard L. Voorhees
United States District Judge

